IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIRST DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 3049 of 2005

Between:

Md. Khaleel Pasha S/o. Khasim Ali,
R/o. 1-7-202, Jakheer Hussain Nagar,

Suryapet, Nalgonda District.

..... PETITIONER

AND

1 APSRTC, Musheerabad, Hyderabad.,

rep. by its Managing Director.
2 The Regional Manager, Nalgonda Region, APSRTC, Nalgonda.
3 The Depot Manager, APSRTC, Bus Depot, Kodad, Nalgonda District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ or direction particularly one in the nature of WRIT OF MANDAMUS declaring the impugned Proc.No. P1/255(22)/04-R.M.(N) dt. 23-11-2004 transferring the petitioner from Nalgonda Region to Hyderabad CIty Region as arbitrary, illegal, without jurisdiction and in violation of Art. 14 & 16 of the Constitution of India in the Interest of Justice and fair play.

Counsel for the Petitioner :Mr.V.NARASIMHA GOUD

Counsel for the Respondents : Mr.V.T.M.PRASAD

The Court at the stage of admission made the following :

ORDER:

Challenging the proceedings dated 23-11-2004 transferring the petitioner from Nalgonda region to Hyderabad region as arbitrary and illegal, the present writ petition is filed.

The petitioner is one among the 37 conductors who were working in Nalgonda region are directed to report for duty at Hyderabad city region for temporary utilization.

The learned counsel for the petitioner vehemently contended that the Regional Manager has no power or authority to transfer the conductors from one region to another region and that on earlier occasion the petitioner was transferred from Kodad region to Hyderabad by proceedings dated 31-07-2003, but the same was cancelled by orders dated 11-09-2003. Hence, he prays to set aside the same.

Learned counsel appearing for the petitioner also contended that basing on the instructions given by the Executive Director, the transfers have been made by the Regional Manager, Nalgonda to Hyderabad city region and hence the Executive Director is the competent person to transfer conductors from one region to another region. Therefore the orders of the Regional Manager, Nalgonda, dated 23-11-2004 so as to call for interference by this court by which the petitioner and other 36 persons were transferred from Nalgonda region to Hyderabad City region for temporary utilization, is not at all a transfer. As such, the persons as mentioned in the impugned proceedings are to be utilized until further orders in the Hyderabad city region. In any view of the matter, this transfer order is effected on the instructions of the Executive Director, who is the competent person to effect transfers of the conductors from one region to another region, does not suffer from any serious legal infirmities, so as to call for any interference by this Court.

Therefore, there are no grounds to interfere with the impugned proceedings. Admittedly, the petitioner worked in the Nalgonda region till 14-02-2005. Thereafter, he was not allowed to work at the Nalgonda region since he was transferred from Nalgonda region to Hyderabad region. The respondents have to take appropriate decision with regard to this period i.e. from 14-02-2005 to till the date of his joining at

Hyderabad city region for that purpose. The petitioner shall give a representation to the respondents and the same shall have to be considered sympathetically.

The writ petition is accordingly disposed of. The petitioner shall report before the Hyderabad region within two days from today.

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K.C.BHANU, J.

Dt:01..03..2005.

rns

To

1 The Managing Director,

APSRTC, Musheerabad, Hyderabad.,

2 The Regional Manager, Nalgonda Region, APSRTC, Nalgonda.

3 The Depot Manager, APSRTC, Bus Depot, Kodad, Nalgonda District.

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5 1 CC to MR.NARASIMHA GOUD